

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Kenneth Saalfrank

v.

Civil No. 08-cv-00046-JL

Town of Alton

O R D E R

The Preliminary Pretrial Conference was held in chambers on August 4, 2008.

The Discovery Plan (document no. 40) is **approved** as submitted.

Based on the conversation between counsel and the court at the conference, the following affirmative defenses are **stricken** without prejudice to being re-asserted if warranted by the evidence:

- Alton, Alton Police Department, et al.'s defenses C (statute of limitations, laches), D (res judicata and collateral estoppel), and E (release and waiver);
- Belknap County's sixth (PLRA exhaustion);
- Dr. Ward's tenth (res judicata, collateral estoppel), eleventh (PLRA exhaustion), 13th (laches), 15th (estoppel), and 16th (waiver);

- Dr. Craig's 9th (res judicata, collateral estoppel), and 10th (PLRA exhaustion).

The motions filed by Dr. Ward and Dr. Craig to refer the case to the medical malpractice board will be taken up with their respective motions for summary judgment.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: August 4, 2008

cc: Jeffrey C. Spear, Esq.
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